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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/576,761

04/21/2006

Konstantinos Gavardinas

X-16534

3926

25885

7590

12/29/2009

ELI LILLY & COMPANY

PATENT DIVISION

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EXAMINER

ANDERSON, REBECCA L

ART UNIT

PAPER NUMBER

1626

NOTIFICATION DATE

DELIVERY MODE

12/29/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patents@lilly.com

Office Action Summary	Application No. 10/576,761	Applicant(s) GAVARDINAS ET AL.	
	Examiner REBECCA L. ANDERSON	Art Unit 1626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11, 13, 14 and 20 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>PTO-Notice to Comply with Sequence Disclosure</u> |

DETAILED ACTION

Claims 1-14 and 20 are currently pending in the instant application. Claims 1-11, 13, 14 and 20 appear allowable over the prior art of record. Claim 20 is objected.

Response to Amendment and Arguments

Applicants' amendment filed 22 September 2009 has overcome the 35 USC 103(a) rejection as the prior art reference has been disqualified under 35 USC 103(c) since the cited reference and the presently claimed invention were owned by, or subject to an obligation of assignment to the same entity. Applicants have provided the required statement in accordance with MPEP 706.02(I)(2) to establish that the cited subject matter and the invention presently claimed were owned by, or subject to an obligation of assignment to the same entity at the time the present invention was made. As the 35 USC 103(a) rejection has been overcome, the examiner has extended the search and examination according to MPEP 803.02. Claims 1-14 and 20 have been searched and examined in their entirety. As claims 1-14 and 20 have been searched and examined in their entirety, the objection to the claims as containing non-elected subject matter is withdrawn.

Sequence Disclosure

This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). Specifically, see the sequence listings as found on page 45.

However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With

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Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Direct the response to the undersigned.

Applicant is requested to return a copy of the attached Notice to Comply with the response. The addresses below are effective 5 June 2004. Please direct all replies to the United States Patent and Trademark Office via one (1) of the following:

1. Electronically submitted through EFS-Bio
(<http://www.uspto.gov/ebs/efs/downloads/documents.htm>), EFS Submission User Manual - ePAVE)
2. Mailed to: Mail Stop Sequence Commissioner for Patents P.O. Box 22313
1450 Alexandria, VA 22313 1450
3. Hand Carry, Federal Express, United Parcel Service or other delivery service to: U.S. Patent and Trademark Office Mail Stop Sequence Customer Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Specification

The disclosure is objected to because of the following informalities: The specification does not include the section:

- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.

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It is suggested that applicant amend the specification to include the information that the instant application is a 371 of PCT/US04/38233 filed December 8, 2004, which claims benefit of 60/531,283, filed 19 December 2003.

Appropriate correction is required.

Claim Objections

Claim 12 is objected to because of the following informalities: Claim 12 does not end in a period. Appropriate correction is required.

Conclusion

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rebecca L. Anderson whose telephone number is (571) 272-0696. Mrs. Anderson can normally be reached Monday through Friday from 6:00am until 2:30pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mr. Joseph K. McKane, can be reached at (571) 272-0699.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*/Rebecca Anderson/
Primary Examiner, AU 1626*

18 December 2009

Rebecca Anderson
Primary Examiner
Art Unit 1626, Group 1620
Technology Center 1600